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FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
Memo	Moore to Carter, w/attachments, 9 pp. Re: Meeting with Senate Chairman on 11/23/76	11/22/76	C
Memo	Moore to Voorde, 6 pp. Re: Meeting with standing committee chairmen, and various members of the Democratic leadership	n.d.	C
Memo	Eizenstat to Carter, w/attachments, 11 pp. Re: Key House Members in the energy area	12/23/76	C

FILE LOCATION

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MEETING OF PRESIDENT-ELECT CARTER AND SENATE COMMITTEE CHAIRMEN

Tuesday, November 23, 1976

The Capitol, Room S-207, 9:15 a.m.

Senator Mansfield

Senator Robert Byrd

Frank Moss, Chairman
Committee on Aeronautical
and Space Sciences

Wendell H. Ford
Committee on Aeronautical
and Space Sciences

Patrick Leahy
Committee on Agriculture
and Forestry

John L. McClellan, Chairman
Committee on Appropriations

John C. Stennis, Chairman
Committee on Armed Services

William Proxmire, Chairman
Committee on Banking, Housing
and Urban Affairs

James Abourezk
Committee on the Budget

Thomas F. Eagleton, Chairman
Committee on the District of
Columbia

John Sparkman, Chairman
Committee on Foreign Relations

Abraham A. Ribicoff, Chairman
Committee on Government Operations

Henry M. Jackson, Chairman
Committee on Interior and
Insular Affairs

James O. Eastland, Chairman
Committee on the Judiciary

Harrison A. Williams, Chairman
Committee on Labor and
Public Welfare

Gale W. McGee, Chairman
Committee on Post Office and
Civil Service

Quentin N. Burdick
Committee on Post Office and
Civil Service

Jennings Randolph, Chairman
Committee on Public Works

Howard W. Cannon, Chairman
Committee on Rules and Administration

Vance Hartke, Chairman
Committee on Veterans' Affairs

Richard Stone
Committee on Veterans' Affairs

Gaylord Nelson, Chairman
Select Committee on Small Business

Edward M. Kennedy
Select Committee on Nutrition
and Human Needs

Frank Church, Chairman
Special Committee on Aging

John O. Pastore, Chairman
Joint Committee on Atomic Energy

Hubert H. Humphrey, Chairman
Joint Economic Committee

Mike Gravel
Joint Committee on Congressional
Operations

Daniel K. Inouye, Chairman
Select Committee on Intelligence

Adlai E. Stevenson, Chairman
Select Committee to Study the
Committee System

Robert Morgan
(Banking, Housing and Urban Affairs
and Public Works)

Fitz-Ingear
No-ladder
7 Monce/Paterson

**CARTER - MONDALE
TRANSITION PLANNING GROUP**

P.O. Box 2600
Washington, D.C. 20013

November 21, 1976

MEMORANDUM

To: Fran Voorde

From: Frank Moore

MEETING: Senate Leadership & Chairmen of Senate Committees

TIME: Tuesday, November 22, 1976
9:15 a.m. - 10:15 a.m.

PLACE: The Capitol
S-207, Majority Leader's Office

INVITED: Senators: Byrd, Moss Ford, Talmadge, McClellan, Stennis
Proxmire, Muskie, Magnuson, Eagleton, Long,
Sparkman, Ribicoff, Jackson, Eastland, Williams,
McGee, Burdick, Cannon, Hartke, Cranston,
Nelson, McGovern, Church, Pastore, Humphrey,
Metcalf, Inouye, Stevenson.

Majority Leader Mike Mansfield (Montana). Retiring Majority Leader.

Assistant Majority Leader Robert C. Byrd (West Virginia). Committees:
Appropriations (Chairman of Interior Subcommittee), Judiciary, Rules.
Re-elected this year. Candidate for Majority Leader.

Frank E. Moss (Utah). Defeated in re-election bid this year. Out-
going Chairman of Aeronautical and Space Sciences.

Wendell H. Ford (Kentucky). Incoming Chairman of Aeronautical and
Space Sciences Committee whose chief responsibility is the NASA
budget authorization bill. Also member of Commerce Committee.
Elected in 1974.

Herman E. Talmadge (Georgia). Chairman, Agriculture and Forestry.
Member: Finance and Veterans Affairs.

John L. McClellan (Arkansas). Chairman, Appropriations. Member: Government Operations, Judiciary. Appropriations Committee is widely considered the most powerful Senate Committee. McClellan generally permits Subcommittee Chairmen wide discretion in arrangement of their own bills.

John C. Stennis (Mississippi). Chairman, Armed Services. Member: Aeronautical and Space Sciences and Appropriations.

William Proxmire (Wisconsin). Chairman, Banking, Housing and Urban Affairs. Member: Appropriations (Chairman of HUD-Independent Agencies Subcommittee). His joint memberships give him considerable influence over housing and urban issues.

Edmund S. Muskie (Maine). Chairman, Budget. Member: Public Works (Chairman, Environmental Pollution Subcommittee), Government Operations. Has just announced his withdrawal from race for Majority Leader.

Warren G. Magnuson (Washington). Chairman, Commerce. Member: Appropriations (Chairman of Labor-HEW Subcommittee), Budget.

Thomas F. Eagleton (Missouri). Chairman, District of Columbia. Member: Appropriations, Labor and Public Welfare. Leading fight for reform of D.C. budget. Outspoken member of the pro-Greek group in Congress.

Russell B. Long (Louisiana). Chairman, Finance. Member: Commerce. Tough manager of his Committee; was locked in an indecisive battle earlier this year with more liberal Senators over his Committee's tax reform bill.

John Sparkman (Alabama). Chairman, Foreign Relations. Member: Banking and Urban Affairs.

Abraham A. Ribicoff (Connecticut). Chairman, Government Operations. Member: Finance. Generally allows Subcommittee latitude in the development of legislation, occasionally exercising control at full Committee level.

Henry M. Jackson (Washington). Chairman, Interior. Member: Armed Services, Government Operations (Chairman of Permanent Investigations Subcommittee). Interior has wide jurisdiction over energy development issues, as well as Indian Affairs and National Parks.

James O. Eastland (Mississippi). Chairman, Judiciary. Member: Agriculture and Forestry. Major issues in Judiciary this year have included S. 1, the bill to reform and reconstitute all Federal Criminal laws (which has not come to the Floor) and amendments to Anti-Trust Laws.

Harrison A. Williams (New Jersey). Chairman, Labor and Public Welfare. Member: Banking and Urban Affairs, and Rules.

Gale W. McGee (Wyoming). Defeated this year in re-election bid. Out-going Chairman of Post Office and Civil Service.

Howard W. Cannon (Nevada). Chairman, Rules. Member: Armed Services, Commerce, Aeronautical and Space Sciences. Cannon is also Chairman of the Joint Committee on the Inauguration of the President and Vice-President.

Vance Hartke (Indiana). Defeated this year in re-election bid. Out-going Chairman of Veterans Affairs.

Alan Cranston (California). Incoming Chairman of Veterans Affairs. Member: Budget, Banking and Urban Affairs, Labor and Public Welfare. Candidate for Majority Whip.

Gaylord Nelson (Wisconsin). Chairman, Select Committee on Business. Member: Finance, Labor and Public Welfare.

George McGovern (South Dakota). Chairman, Select Committee on Nutrition and Human Needs. Member: Foreign Relations and Agriculture. McGovern has used Nutrition Committee to develop issues in food stamp reform, and child nutrition, including school lunch programs.

Frank Church (Idaho). Chairman, Special Committee on Aging. Member: Foreign Affairs and Interior. Aging Committee has been comparatively inactive this year, primarily as a result of Church's work with the CIA Committee.

John O. Pastore (Rhode Island). Retiring Chairman of Joint Committee on Atomic Energy.

Hubert H. Humphrey (Minnesota). Chairman, Joint Economic Committee. Member: Foreign Relations, and Agriculture and Forestry. Candidate for Majority Leader. Sponsor of Humphrey-Hawkins Bill, which includes provisions to expand the jurisdiction of the Joint Economic Committee to include certain economic planning functions.

Lee Metcalf (Montana). Chairman, Joint Committee on Government Operations. Member: Government Operations and Interior.

Daniel K. Inouye (Hawaii). Chairman, Select Committee on Intelligence. Member: Appropriations (Chairman of Subcommittee on Foreign Operations), Commerce, District of Columbia.

Adlai E. Stevenson (Illinois). Chairman, Select Committee to Study Committee System. Member: Banking and Urban Affairs, Commerce, District of Columbia.

Quentin N. Burdick (North Dakota). Incoming Chairman of Post Office and Civil Service. Member: Judiciary and Public Works. Major issues before his Committee include a variety of proposals for reform of Postal Service.

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**CARTER - MONDALE
TRANSITION PLANNING GROUP**

P.O. Box 2600
Washington, D.C. 20013

TO: The President-elect

FROM: Jack Watson
David Aaron
Tony Lake

SUBJECT: Your meeting with the Senate Foreign Relations Committee,
Tuesday, November 22, 10:30 a.m.

This memorandum was prepared primarily by Dick Moose, who has just come from the Foreign Relations Committee staff to work with the Foreign Policy Transition staff. The memo also reflects the suggestions of Cy Vance and Zbig Brzezinski.

The objectives of the meeting are:

- to evidence your recognition of the important role which the Committee plays in the foreign policy area;
- to lay the ground work for a close working relationship with Committee members; and
- to hear which issues are most on their minds.

We suggest the following format for the meeting:

- You open with a brief statement of the underlying themes in your foreign policy; and
- seek the Committee members' views on what they consider to be the most important foreign policy issues, expressing your intention to work closely with them.

As you know the Foreign Relations Committee's relationship with recent Presidents, unlike that of its House counterpart, has generally been strained and often characterized by strong

conflict. For that reason and because it might assist you in understanding the origin of attitudes you may hear expressed, the memo begins with a retrospective summary of the Committee's differences with the Executive Branch over the past ten years.

BACKGROUND ON THE COMMITTEE

Your administration promises to be the first in ten years with which a majority of the members of the Foreign Relations Committee can feel comfortable.

The Committee's rift with its former colleague, Lyndon Johnson, grew steadily from the Dominican Republic crisis in 1965 through the steady escalation in Vietnam and to the very end of the Johnson Administration. Although Fulbright and Aiken are gone, and Mansfield and Symington soon will be, the memory of what they regarded as Johnson's manipulation of the Committee remains strongly embedded in the Committee's collective mind.

At the outset of his administration, the Committee was willing to give Richard Nixon the benefit of the doubt. But in May, 1970, the invasion of Cambodia unified them more strongly in opposition to the President than ever before. Beginning in 1970 the Committee began the first of what has become a long series of legislative moves designed to restrain the President in the exercise of his national security functions.

At about the same time, the Committee's investigations and hearings brought to light numerous examples of secret and, in its view,

unwise commitments to foreign governments. The Commitments Resolution (which states that no commitment is binding unless approved by the Congress) and the Case Act (which requires that all Executive Agreements be disclosed to the Congress) were direct outgrowths of their hearings.

While Indochina and the commitments question occupied the Committee's primary attention, Committee hearings provided a prominent forum for the advocacy of strategic arms control and the lessening of tension with the Soviet Union and China. When the January, 1973 Paris Agreement, which was supposed to end the war in Indochina, was followed by new openings in our relations with Moscow and Peking, the Committee felt it would at last be able to "come in from the cold." And indeed, apart from and despite the lingering fighting in Indochina, the Nixon-Kissinger foreign policy was strongly supported for a time by the Committee, led by Fulbright.

The temporary supporting consensus was preserved despite Watergate as the Committee came to regard Kissinger as the indispensable architect and implementer of foreign policy. In no policy area was this more evident than with regard to Kissinger's handling of the Middle East crisis. Even there, however, one could see some signs of a growing uneasiness about the Secretary's secretive, go-it-alone approach. With the India-Pakistan conflict over Bangladesh, the Cyprus crisis and Angola, uneasiness turned to mistrust and disillusionment grew over the Secretary's failure to let them in on the early stages of policy formulation.

At crucial moments during the last few years members of the

Committee have felt that the Secretary was unreachable. To them, the Ford Administration seemed insensitive to moral and humanitarian issues such as human rights and food. More recently the Committee has been frustrated by its inability to obtain a satisfactory response to concerns over nuclear proliferation and conventional arms sales.

CURRENT ATTITUDES AND MEMBERSHIP OF THE COMMITTEE

Given this recent history of contentious, adversary relationships, both Democrats and Republicans on the Committee are probably hopeful that your administration will signal the beginning of a new era of legislative-executive harmony. They are likely to be responsive to your leads, particularly if they sense that you and your Secretary of State are willing to listen to them. Indeed, you are likely to have fewer problems with Committee members over policy than you are with the increasing number of newer, more independent minded and active non-Committee Senators.

Chairman Sparkman can be counted on for consistent support, although not aggressive leadership. If Hubert Humphrey remains active on the Committee, he can effectively supply much leadership. The senior Republicans - Case, Javits, Pearson, and Percy - have generally been nonpartisan and relatively liberal in their foreign policy attitudes.

It is really only Frank Church who is a potential focal point of dissent on the Committee -- but then, only on certain issues. He can be expected to oppose both bilateral economic assistance

and military aid. (He will also continue his criticism of multinational corporations.) And he is more likely than any other member to raise the Committee battle cries of Congressional prerogative as well as the avoidance of foreign commitments and interventions.

Given the sometimes passive attitudes of many present Committee members, the naming of three new Democrats and one new Republican to fill vacancies (Mansfield, Symington, McGee and Hugh Scott) in January, could affect the character of the Committee. Should the new members be predominantly liberal, they, together with incumbents Dick Clark, McGovern and Biden could constitute an activist, though not necessarily dissenting, minority. Clark, in particular, has a potential for Senate leadership in foreign affairs extending beyond the Committee to other more junior members of the Senate. On many issues these members might well be influenced or joined by Church.

POINTS AND QUESTIONS YOU MIGHT RAISE

In opening the meeting, you might wish to review a few of the foreign policy themes you emphasized during the campaign. For example:

- basing foreign policy on fully informed Congressional and public opinion;

- closer relations with allies, including NATO and Japan, as well as clear support for friends such as Israel;

- world order politics, (e.g., international efforts to combat nuclear proliferation, working with the Third World);

- controlling the arms race and arms sales;
- making detente a two-way street;
- human rights (e.g., southern Africa); and
- working for peace in areas such as the Eastern Mediterranean (Arab-Israeli and Greece-Turkey).

You might then ask for the Committee's views on a number of issues with which you know it has recently been particularly concerned:

- the nexus between foreign and domestic policy;
- the Middle East;
- strategic nuclear issues;
- conventional arms sales;
- southern Africa;
- human rights;
- foreign assistance;
- economic relations with the developing world; and
- relations with China.

(Zbig suggests that you also raise the OPEC and boycott issues, although these have not received so much attention from the Committee.)

SUMMARY OF COMMITTEE VIEWS ON KEY ISSUES

A. The Middle East: The committee is strongly supportive of Israel. Humphrey, Case, and Javits are its leaders in this respect and may seek a reiteration of your support for their concerns. They may look for a general commitment (a) to fund fully Israel's arms purchases; (b) to avoid an arms supply relationship with Egypt; and (c) to avoid the imposition of a settlement on the Israelis. You could answer (a) that Israel's security needs must be met beyond question; (b) that future arms supplies to Egypt need study and that you should not commit yourself now; and (c) that no lasting settlement can or should be imposed on the Middle East.

B. Strategic Nuclear Issues: Committee members generally feel that the Nixon-Ford Administration was not nearly vigorous enough in this area. (Both the Threshold Test Ban and the Peaceful Nuclear Explosions treaties have been before the Committee without action for several months, reflecting a lack of enthusiasm for them.) Although practically all members favor limiting the arms race and many would opt for reciprocal reductions, as a group they are as cautious on this point, as they are generally on detente. You will not find them well informed on the current state of negotiations but their views on general Senate attitudes toward strategic arms limitations could be valuable.

C. Conventional Arms Sales: The Committee, led by Humphrey, was quite active last year in urging restraint in conventional arms sales. It passed legislation giving the Congress a veto over individual sales although the only sales which were threatened were selected ones to Arab governments. Absent firm indications of new restraints on sales the Committee may press for mandatory sales ceilings or expanded congressional veto powers. Specific potential sales which might be mentioned by the Senators would include those to Iran (sophisticated aircraft), Saudi Arabia (missiles and aircraft), Egypt (anything lethal) and Pakistan (deep interdiction aircraft).

D. Southern Africa: The disappointing state of Geneva talks between the white Rhodesians and black nationalists raises the question of what, if anything, the U.S. could or should do now. The Committee is certainly pro-majority rule, but it is uneasy about the possibility of U.S. involvement either militarily or financially. With careful consultation they would probably support Kissinger's "insurance plan" for Rhodesia and this could be important given the likelihood of Senate opposition to Rhodesian financing from both the right and left. Their views on the desirability of and the practical political constraints on, a more activists U.S. role in Africa could be useful. (Clark, who leads the Committee on these issues, will not be present; he is in southern Africa).

E. Human Rights: The Committee has sponsored legislation, now law, which seeks to condition both economic and military assistance on acceptable human rights practices by recipient governments. Except in the case of Chile, they have been reluctant to legislate specific sanctions. Those who have thought most about the subject recognize the limitations of Congress in this area and would prefer to see the Executive take an affirmative position. Seeking their views on what positive steps your Administration should take would lay a useful ground work for the coming legislative season.

F. Foreign Assistance: The Committee - except for Church's reservation on bilateral economic aid - strongly supports development assistance. They are prejudiced against grant military aid. Because the Committee - in particular Humphrey - will have to carry the ball for whatever programs you propose, it is essential to have its understanding and support. Appropriations for international financial institutions such as the World Bank, IDA, and the Asian and InterAmerican Banks will be particularly critical given the almost inevitable and sizable increases which will be called for in their funding. Appropriation requests could climb from about \$600 million in fiscal 1977 to about \$1.5 billion in FY 78. An indication of the Committee's willingness to support you in this regard would be helpful.

G. Economic Issues and Relations with the Developing World:

Many of the non-aid initiatives which have been proposed to help meet the demands of the developing world, such as trade preferences, commodity arrangements and debt relief, would require legislative action. These matters would involve several Congressional committee jurisdictions. Although the Foreign Relations Committee has its own share of jurisdiction over foreign economic policy, it has shown little interest in this area. You might ask how active the Committee is inclined to be regarding new initiatives to help the poorer countries. Frank Church is expected to head a new subcommittee on foreign economic policy which might take the lead on such matters. Thus, his views would be of particular interest. Case could be skeptical on any such initiatives and Javits cautious.

H. Relations with China: On its past record, the committee should favor normalization of relations with China. You might ask whether, in their view, we should consider such a move absent a specific undertaking from Peking not to use force against Taiwan. What should be done then about the mutual security treaty with Taiwan? What Mansfield and Hugh Scott say to the Committee on these points could weigh heavily with their colleagues.

CARTER - MONDALE
TRANSITION PLANNING GROUP

*P.O. Box 2600
Washington, D.C. 20013*

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MEMORANDUM FOR THE PRESIDENT-ELECT

FROM: Jack Watson *jm*
David Aaron
Tony Lake

Subject: Meeting with House International Relations Committee,
November 23, 1:15 pm.

This memorandum was prepared primarily by Dick Moose,
after consulting with a member of the House Inter-
national Relations Committee staff.

Background

At this writing, it is uncertain whether Chairman "Doc" Morgan will return from abroad in time for your meeting with the House International Relations Committee. (Although the Committee has 33 members, no more than 15 are likely to be present.) If Morgan is not on hand, Clem Zablocki will preside.

Zablocki is Morgan's likely successor as Chairman, although there is some tension within the Committee on the leadership question. Some of the members, including some of the more liberal, feel that Zablocki has not been friendly enough toward Israel. (He has voted against the Sinai agreements and full funding of Israeli military aid requests.)

Nevertheless, Zablocki is strongly supported by the House leadership and apparently has the votes to win. (Zablocki, incidentally, supported you very strongly in Wisconsin.)

Both the Democrats and particularly the Republicans on the Committee are more liberal than the general House membership. Although in past years the Committee has consistently followed the Executive lead, it is by no means a push-over. Zablocki, for example, was one of the primary authors of the War Powers Resolution (which limits the President's power to commit US forces in hostile situations).

The following are key individuals within the Committee:

Democrats

- Lee Hamilton (Indiana) and Dante Fascell (Florida) are the leaders of the moderate to conservative Democrats.
- Ben Rosenthal leads a group of New York members (none of the rest of whom are expected to be present) who are consistently liberal and aggressively pro-Israel.
- Don Fraser (Minnesota) leads the Committee on human rights issues.

Republicans

- Bill Broomfield (Michigan) - senior Republican.
- Ed Derwinski (Illinois) - provides the intellectual leadership among the Republicans.

The members of this Committee are generally bright and hardworking. Having fewer conflicting committee assignments than their Senate counterparts, they usually have time to do all their homework and can be quite sharp on details and nuances. For this reason we suggest that you endeavor to keep discussion of specific issues on a very general plane.

Suggested Format of the Meeting

As with the Senate Committee, you could begin by reviewing the foreign policy themes of your campaign. Given the desirability of limiting detailed discussion of sensitive topics, you might prolong both this review and any opening pleasantries. Then as time remains, you might seek the Committee members' views on the issues you discussed with the SFRC, as well as any others which are uppermost in their minds.

Summary of Committee Views on Key Issues

Anti-Boycott Legislation - The Export Administration Act, which contains controversial provisions on the Arab boycott and nuclear proliferation, will be the first item before the Committee in the new session. It originated in the International Relations Committee (in the Senate it was handled by Finance rather than Foreign Relations) and was passed last session by the House but was held up in the Senate just before adjournment.

The House anti-boycott provisions are stronger than those in the Senate bill and have caused much concern in business

circles. Support for them within the Committee is almost universal -- including even Zablocki. We recommend -- and Zbig strongly agrees -- that you steer clear of comment on the details of this legislation. You will recall that you were generally in support of legislation in this area during the campaign.

The nuclear non-proliferation provisions of the Export bill are not troublesome. They closely resemble your policy as enunciated during the campaign.

Turkish Bases Issue

Since the Cyprus crisis, the Committee has been the primary locus of opposition to military assistance to Turkey. Rosenthal, with Sarbanes (now elected to the Senate) and Brademas, has led the effort to continue the embargo (a limited amount of credit sales were allowed under the last military aid bill). They can be expected to lead the fight against implementing the Turkish base treaty which has been before the Senate since earlier this year. We suggest you say, if asked about the subject, that you are committed to seeking a "rapid settlement" of the Cyprus issue, including the withdrawal of all foreign military forces from the island, as called for by U.N. General Assembly resolution 3212 of November, 1974; but avoid getting into the question of the base negotiations, pending your review of the issue.

Other Issues

Korea - Don Fraser will continue his strong criticism of Korea's human rights practices (as well as those of many other governments) and his opposition to continued military assistance and US troop presence.

Middle East - The Committee will continue to press for maximum funding of Israel's arms purchases and to oppose arms sales to Arab governments.

TO: Fran Voorde
FROM: Frank Moore

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MEETING: House International Relations Committee

TIME: Tuesday, November 22, 1976, 1:15 pm to 2 pm.

PLACE: Room EF 100, center of the Capitol.

INVITED: Majority and minority membership of the committee.

BACKGROUND: The International Relations Committee has jurisdiction foreign relations generally; this jurisdiction includes the major money authorizations for AID and for military assistance programs and the departmental authorizations for the State Department, AID, USIA, the Arms Control and Disarmament Agency, the Peace Corps, and the Board for International Broadcasting (which oversees Radio Free Europe and Radio Liberty). The committee's jurisdiction also includes war powers and executive agreements, international commodity agreements (except sugar), and international organizations. The committee has special oversight jurisdiction over intelligence activities relating to foreign policy, international financial and monetary organizations, and international fishing agreements.

The committee has long existed in the shadow of its Senate counterpart under the chairmanship of Sen. Fulbright; while the Senate committee opposed the war in Vietnam, a majority of the House committee continued to support it almost until the end. The docility of the House committee can be at least partially traced to Chairman Morgan, who guided the committee with a loose reign. During recent Congresses, rules changes have given increased staff to the subcommittees and the chairmanships of many of the subcommittees have come into the hands of liberal activists. The committee also recently acquired from the Armed Services Committee jurisdiction over all international arms transfers; it has moved aggressively to restrict the military assistance program and DOD and commercial arms sales.

The centerpiece of the committee's activity in recent years is the War Powers Act, passed in 1973 over President Nixon's veto. The law follows the intentions of the House committee in every important particular, and significantly restricts Presidential authority to commit U. S. troops overseas. The committee in recent years has also imposed heavy reporting requirements on the Department of State and other foreign affairs agencies, including the impact of weapons development on arms negotiations, progress in attaining respect for human rights by other nations, and the various impacts of weapons transfers on U. S. foreign policy goals. In addition, the committee has written into law a congressional

TO: Fran Voorde
FROM: Frank Moore

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veto veto over arms transfers in excess of \$7 million. The committee contends that executive branch agencies have been extremely lax in complying with reporting requirements and will probably be interested in future Administration intentions in this regard.

The committee presently has seven Democratic and one Republican vacancy. The addition of so many younger and probably dovish new members will continue the process of strengthening the committee. Rep. Zablocki, if elected Chairman by the Democratic Caucus, can be expected to exercise strong and independent leadership, and cannot be presumed an automatic supporter of Administration policy. In fact, it is likely that the House committee will be more difficult for the Administration to manage than the Senate committee.

COMMITTEE MEMBERSHIP: Following is the committee membership in the 94th Congress:

Rep. Thomas MORGAN (Pennsylvania) -- Retiring.

Rep. Clem ZABLOCKI (Wisconsin) -- Independent, "even-handed" on the Middle East, interested in a strong congressional role in foreign policy.

Rep. L. H. FOUNTAIN (North Carolina) -- Conservative, not very active in committee affairs.

Rep. Dante FASCELL (Florida) -- Aggressive, interested in Cuban policy and Latin American relations generally; also chairs the Co-mission on European Security (recently established to monitor the Helsinki accords).

Charles DIGGS (Michigan) -- Interested in Africa policy, particularly relations with Rhodesia and South Africa.

Robert NIX (Pennsylvania) -- Generally inactive.

Donald FRASER (Minnesota) -- A dynamic liberal force on the committee, concerned over international respect for human rights, arms sales, importation of Rhodesian chrome, U. N. affairs.

Benjamin ROSENTHAL (New York) -- Concerned over Middle East policy and realtions with European nations. A force on the committee.

Lee HAMILTON (Indiana) -- One of the most respected members of the committee and highly influential on all committee issues.

TO: Fran Voorde
FROM: Frank Moore

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Lester WOLFF (New York) -- Interested in Middle East issues and in international narcotics control; also chairs the Select Committee on Narcotics Abuse and Control established at the end of the 94th Congress.

Jonathan BINGHAM (New York) -- Aggressive and respected liberal, concerned over Middle East policy, arms transfers, and trade policy.

Gus YATRON (Pennsylvania) -- Greek extraction, interested in Cyprus policy.

Roy TAYLOR (North Carolina) -- Retiring.

Michael HARRINGTON (Massachusetts) -- Aggressive, sometimes erratic liberal; interested in intelligence activities and Chile policy.

Leo RYAN (California) -- Generally not very active.

Don RIEGLE (Michigan) -- Elected to the Senate.

Cardiss COLLINS (Illinois) -- Not particularly forceful on the committee.

Stephen SOLARZ (New York) -- One of the brightest and most aggressive of the freshmen, has focused on arms sales, particularly with regard to Iran.

Helen MEYNER (New Jersey) -- Strong interest in the U. N.; favors U. S. support for international institutions.

Don BONKER (Washington) -- Another aggressive freshman, was key in blocking aid to Angola.

Garry STUDDS (Massachusetts) -- Although the most junior member of the committee, not a freshman but a third-termers. Key in 200-mile limit legislation, former foreign service officer.

William BROOMFIELD (Michigan) -- Ranking minority member; conservative but a possible supporter of a bi-partisan foreign policy.

Ed DERWINSKI (Illinois) Conservative, interested in Eastern Europe; acerbic wit, generally responsible.

Paul FINDLEY (Illinois) -- Very active on the committee, proponent of Atlantic Union; intelligent and articulate.

TO: Fran Voorde
FROM: Frank Moore

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John BUCHANAN (Alabama) -- Highly respected internationalist, sought with Fraser to block imports of Rhodesian chrome.

J. Herbert BURKE (Florida) -- Conservative, not very active.

Pierre DuPONT (Delaware) -- Elected Governor.

Charles WHALEN (Ohio) -- Liberal, internationalist, generally votes with the Democrats.

Edward BIESTER (Pennsylvania) -- Moderately liberal, internationalist.

Larry WINN (Kansas) -- Conservative, not overly active on the committee.

Benjamin GILMAN (New York) -- Moderate, should support bipartisan foreign policy.

Tennyson GUYER (Ohio) -- Conservative, not overly active.

Robert LAGOMARSINO (California) -- Moderate, not overly active.

TO: Fran Voorde
FROM: Frank Moore

1/

MEETING: Senate and House Republican leadership.

TIME: Tuesday, November 23, 1976, 2 pm.

PLACE: Room EF 100, in the center of the Capitol.

INVITED: Senators GRIFFIN, CURTIS, STAFFORD, TOWER, and STEVENS; Reps. RHODES, MICHEL, ANDERSON, DEVINE, EDWARDS, CONABLE, and QUILLEN.

* * * * *

Sen. Robert GRIFFIN (Michigan) -- Senate Minority Whip; leading candidate to succeed retiring Sen. Hugh Scott as Minority Leader. Also serves as the No. 2 Republican on the Commerce Committee and as the most junior Republican on the Foreign Relations and Rules and Administration Committees. May be challenged by Sen. Baker for the Minority Leader post, but will probably beat him. Regarded as a compromise choice between liberal and conservative Republicans in the Senate. Politically astute, intelligent, co-author of Landrum-Griffin.

Sen. Carl CURTIS (Nebraska) -- Chairman of the Senate Republican Conference, the caucus of all Senate Republicans. Also serves as the ranking Republican on the Finance Committee and the No. 3 Republican on the Agriculture and Forestry Committee. A staunch conservative; Barry Goldwater's "tiger" at the 1964 Republican National Convention. Likely to be a tough partisan in the 95th Congress.

Sen. Robert STAFFORD (Vermont) -- Secretary of the Senate Republican Conference. Also ranks as the No. 3 Republican on the Public Works, Labor and Public Welfare, and Veterans' Affairs Committees. The Republican liberal-moderate representative in the leadership. Concerned about the environment; critical of high levels of military spending.

Sen. John TOWER (Texas) -- Chairman, Senate Republican Policy Committee; has been mentioned as a candidate for Minority Whip but may chose to mind the store in Texas since he is up in 1978. Also serves as ranking Republican on the Banking Committee and No. 2 Republican on the Armed Services Committee. Staunch conservative, but prestige has been damaged by large Reagan victory in the Texas primary this year.

Sen. Ted STEVENS (Alaska) -- Chairman, Senate Republican Campaign Committee. Also serves on the Appropriations, Commerce, and Post Office & Civil Service Committees. Liberal-moderate Republican; could conceivably advance onto the leadership ladder as Senators line up for offices created by the Scott resignation.

Rep. John RHODES (Arizona) -- House Republican Minority Leader. Intelligent, staunch conservative. Highly partisan.

Rep. Robert Michel (Illinois) -- House Minority Whip. Also serves as the No. 2 Republican on the Appropriations Committee, where he also serves as the ranking member of the Labor/HEW Subcommittee. Conservative, previously served as Chairman of the House Republican Campaign Committee.

John ANDERSON (Illinois) -- Chairman of the House Republican Conference, the caucus of all House Republicans. Represents the liberals and moderates in the leadership, but conservatives are so dominant among House Republicans that Anderson has trouble holding onto the job he has, much less advancing. Also serves as the No. 2 Republican on the Rules Committee, and as such sometimes votes with leadership Democrats against the conservative coalition. Key leader of the 50 or so Republican liberals and moderates; during the 91st, 92nd, and 93rd Congress this bloc was often key on environmental and social welfare issues.

Barber CONABLE (New York) -- Chairman of the House Republican Policy Committee, which acts on legislation on behalf of the Conference. In the 95th Congress, will serve as ranking Republican on the Ways & Means Committee, and will thus have to give up the Policy Committee job. Difficult to categorize ideologically; extremely intelligent and forceful, particularly on Ways & Means issues. Will play a key role on the committee, since a few Republican votes can make the difference because the committee is so evenly split. In the 94th Congress, often cooperated with conservative Southern Democrats in a revival of the Dixiecrat/Republican conservative coalition on the committee.

Samuel DEVINE (Ohio) -- Vice Chairman of the House Republican Conference. Also serves as the ranking Republican on the Interstate and Foreign Commerce Committee and the No. 2 Republican on the House Administration Committee. Staunch conservative and highly partisan; a key leader of the hard-core conservative Republicans who number about 75.

Jack EDWARDS (Alabama) -- Secretary of the House Republican Conference; also serves on the Appropriations Committee, where is the ranking Republican on the Defense Subcommittee. Conservative, but not as ideological as some.


James QUILLEN (Tennessee) -- Ranking minority member of the Rules Committee. Although the Democratic leadership usually dominates this committee, occasionally three Democrats will join the five Republicans to produce an 8-7 conservative majority. Quillen plays the role of organizing the minority on the committee, although he cannot move too far without consulting John Anderson, a liberal/moderate Republican.

CARTER - MONDALE
TRANSITION PLANNING GROUP

P.O. Box 2600
Washington, D.C. 20013

December 2, 1976

C

TO: ~~Greg~~ JC
FROM: Fran 
RE: Messages from Frank Moore

1. He has had distributed on the Hill a telephone directory of staff working on the Transition for their use.
2. The President does have a small office off the Senate floor --- It is strictly a Ceremonial office --- to use, for example, for the signing of a bill should the President choose. It is inappropriate for the President to have a working office on the Hill.

CARTER - MONDALE
TRANSITION PLANNING GROUP

P.O. Box 2600
Washington, D.C. 20013

December 6, 1976

TO: Robert Lipshutz

FROM: Sam Bleicher

SUBJECT: Options Paper on the Congressional Veto

Background

This paper lays out options for Presidential policy toward legislation containing the so-called "Congressional Veto" - provisions which authorize rulemaking or other action by an Executive Branch agency subject to approval or disapproval by one or both Houses of Congress or a Congressional committee. Dozens of statutes currently contain such provisions, covering the full range of government activities. The need for a policy decision is important, and it is urgent in the following areas:

1. Import Restrictions on International Trade. Under the International Trade Act of 1974, Presidential action which conflicts with a recommendation of the International Trade Commission must be reported to Congress, which may override the President's decision by a majority vote in both Houses. President Ford's rejection of Commission recommendations on honey and gloves in October included a statement that he would treat any override as unconstitutional. Unless President Carter indicates that he does not share President Ford's view, several Senators intend to push for an override and a constitutional test.

2. Reorganization Authority. President Carter will be seeking reorganization authority, which as presently envisioned will include some form of Congressional veto. If Carter stands on the Ford position that Congressional vetoes are unconstitutional, Congress is unlikely to adopt the desired legislation.

3. Judicial Salaries Litigation. A number of judges have brought suit in the Court of Claims to have their salaries increased, asserting, inter alia, that a Congressional veto of a salary increase for them was unconstitutional, and that the salary commission's recommendation increasing their salaries

is therefore legally in effect. The case has already been argued in the Court of Claims, but some observers think that the Court is delaying its decision until it sees the decision in Clark v. Valeo, below.

4. Federal Election Commission Regulations. In Clark v. Valeo, Ramsey Clark has brought suit against the Federal Elections Commission seeking a declaration that the Commission regulations are invalid because the rulemaking is subject to an unusual kind of one-House Congressional veto. The Department of Justice intervened as a plaintiff, also arguing that Congressional veto provisions are unconstitutional. Special procedural sections of the Act allowed a prompt hearing of constitutional claims before the District of Columbia Court of Appeals en banc. Some observers think that the Court of Appeals is reluctant to decide this case without an opportunity for the new Attorney General to indicate his position on this matter. But a prompt motion in this case would be essential.

Legal Issues

While the merits of the legal issues are complex and abstract, a few observations are important to understand the context of this problem:

1. The legal issue is open. There is virtually no case law, and the arguments raise arcane issues of separation of powers, the theory of delegation of rulemaking authority, the distinction between legislative and interpretive rule-making, and the Presidential veto power. Respectable arguments can be made for several different conclusions.

2. Whatever view the President and the Attorney General take on this issue, the Supreme Court will have the last word, and probably within the next two years. Thus even a decision to support the validity of the Congressional veto will not necessarily immunize the government from the disruption of invalidation or partial invalidation of the dozens of statutes using this device.

3. Nevertheless, the President and the Attorney General can influence the outcome of the litigation, both because of the respect that the Court will show to the opinion of the Attorney General on a matter of this character, and because the Court would be reluctant to invalidate a practice involving a relationship between the President and Congress that both branches accept as constitutional. (See the opinions of Justices Frankfurter and Jackson in Youngstown Sheet and Tube v. Sawyer, 343 U.S. 579 (1952).)

Effect of a Ruling of Unconstitutionality

1. Existing Legislation

The effect on existing legislation is uncertain. Some argue that the Congressional veto itself would simply die. Others argue that the veto power cannot be severed from the rulemaking power originally granted by Congress, so the Executive Branch would be deprived of the rulemaking or decisional authority involved. Since severability is a matter of Congressional intent, each statute might require individual litigation to determine the impact of the initial ruling, unless Congress and the President could agree on the necessary statutory revisions.

2. New Legislation

Much new legislation that may be sought over the next four years is of the type that has traditionally included a Congressional veto provision. If that device is held unconstitutional, Congress may be unwilling to grant any general authority in those areas, at least until it becomes apparent that a general grant is essential if critical government functions are to be performed. Unfortunately, such a consensus may be slow to materialize, and valuable time will be lost to this Administration's efforts to carry out its programs.

Options

A. Litigation Options

- (1) Pursue the Ford position that the Congressional veto is unconstitutional.
- (2) Argue vigorously that the Congressional veto is constitutional.
- (3) Take a middle ground, accepting certain kinds of Congressional veto but not others.
- (4) Pursue a policy calculated to avoid judicial decision on this issue for as long as possible.

(1) Pursue the Ford position that the Congressional veto is unconstitutional. The advantage of this approach is that at least in theory it provides for the strongest Presidency. If Congress wished to have an active government, it would eventually be forced to delegate broad powers to the Executive. This approach would also avoid the embarrassment that will follow a highly visible change of position on a major issue of constitutional law.

The disadvantage of this option is that it would lead to an immediate confrontation with Congress and stall legislative action. If the argument for unconstitutionality succeeds (which it is more likely to do if the Administration supports it), substantial legislative energy will be diverted from new legislation to reviewing and rewriting existing statutes. In many instances Congress could replace the Congressional veto with other limits on Executive authority, such as restrictions on spending and more continuous oversight and rule-reversing legislation.

(2) Argue vigorously that the Congressional veto is constitutional. This approach would have the advantage of avoiding confrontation with Congress and accusations that the new Administration, like the Nixon-Ford Administration, is pursuing an "imperial Presidency". If the argument for constitutionality is successful, expanded use of the Congressional veto can be anticipated, imposing greater Congressional control over Executive actions. In some areas, such as safety and health regulations and international trade, such Congressional intervention may dilute the ability of the Executive to pursue coherent, comprehensive regulatory programs.

(3) Take a middle ground, accepting certain kinds of Congressional veto but not others. Given the openness of the legal context, a creative Attorney General can find many ways of "splitting the difference" - recognizing the validity of the Congressional veto either with respect to certain kinds of policy questions (e.g. excluding foreign and defense policy where the President has special constitutional responsibilities, or limiting it to independent administrative agencies) or with respect to different kinds of Congressional veto procedures, such as requiring both Houses to disapprove or requiring a two-thirds vote of both Houses to disapprove Executive actions. This approach would permit the President and the Attorney General to continue to support the argument of unconstitutionality in Clark v. Valeo, which contains an unusual kind of one-House veto, while avoiding an across-the-board opposition that would dramatically weaken Congress's position. Unfortunately, the rationales for some of these compromises do not fit existing needs for President Carter's legislative goals.

(4) Pursue a policy calculated to avoid judicial decision on this issue for as long as possible. It may be possible through appropriate litigation and settlement tactics to delay decision on this issue, at least in broad terms, for two or three years. For example, the judicial pay case could be settled (especially since Carter has promised to raise judges' salaries anyway), and the Justice Department could withdraw as a plaintiff from Clark v. Valeo, leaving Clark with serious standing and mootness problems. The international trade matters have not yet begun their way through the judicial process. The success of such an effort, however, depends on many factors beyond the President's control. Private parties can bring suit on these issues, and Congress may be unwilling to ignore the constitutional problem simply because there is no litigation that promises an immediate judicial resolution. The value of delay depends on Congressional reaction in the interim.

B. Options on New Legislation in the Interim

The approach to legislation in the period before a definitive judicial decision must be coordinated with the litigation strategy. But certain distinctive problems do arise. The options are:

- (1) Proceed on the assumption of constitutionality.
- (2) Proceed on the assumption of unconstitutionality.
- (3) Proceed on an assumption of some middle-ground position.

* * * *

(1) Proceed on the assumption of constitutionality. The advantage of this approach, if Congress can be persuaded to do the same, is that new legislation can be approved and actions taken by the President before any final judicial determination is announced. The major disadvantage of this approach is that it adds to the list of legislative programs that will be jeopardized by a Supreme Court ruling of unconstitutionality. Efforts to get favorable severability clauses in new legislation would arouse Congressional suspicions about the President's ultimate objectives and expectations, and might therefore be counterproductive.

(2) Proceed on the assumption of unconstitutionality.
President Carter could insist that Congress enact legislation on reorganization and other matters that does not include a Congressional veto, thus assuring its validity whatever the litigation outcome, and veto the rest. Unfortunately, Congress seems very unlikely to pass much acceptable legislation. It may prefer to await the outcome of the litigation. In that case a delay strategy in the litigation would further delay legislative action.

(3) Proceed on an assumption of some middle-ground position.
The President could announce his willingness to accept certain kinds of Congressional vetoes and his opposition to other kinds (for example, indicating his opposition to legislation requiring all regulations of all agencies to be subject to a Congressional veto and/or a committee or one-House veto) while at the same time indicating his willingness to accept an appropriate form of Congressional veto. In that case, legislation meeting the President's definitions of constitutionality could be negotiated with Congress, perhaps permitting progress on the legislative front. Other legislation would have to be vetoed to retain credibility. Even so, the Supreme Court could find that legislation unconstitutional, based on its own analysis of the problem. This would create the same kind of risks that are created by following option (1), though their probability would be lower.